

EDWARD H. KUBO, JR. 2499  
United States Attorney  
District of Hawaii

LAWRENCE L. TONG 3040  
Assistant U.S. Attorney  
Room 6-100, PJKK Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-2958  
Email: [Larry.Tong@usdoj.gov](mailto:Larry.Tong@usdoj.gov)

LAWRENCE A. GOYA 2476  
Special Assistant U.S. Attorney  
425 Queen Street, Third Floor  
Honolulu, Hawaii 96813  
Telephone: (808) 586-1160  
Facsimile: (808) 586-1375  
E-Mail: [Lawrence.A.Goya@hawaii.gov](mailto:Lawrence.A.Goya@hawaii.gov)

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00243 DAE
	)	
Plaintiff,	)	
	)	
vs.	)	GOVERNMENT'S PROPOSED
	)	SUPPLEMENTAL JURY INSTRUCTION;
	)	CERTIFICATE OF SERVICE
MICHAEL FURUKAWA,	(01) )	
WESLEY UEMURA,	(02) )	<u>Trial</u> : September 19, 2006
DENNIS HIROKAWA,	(03) )	
RICHARD OKADA,	(04) )	
	)	
Defendants.	)	
	)	

---

GOVERNMENT'S PROPOSED SUPPLEMENTAL JURY INSTRUCTION

In addition to the parties' joint instructions, the United States requests that this court give the attached supplement jury instruction.

DATED: September 7, 2006 at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ Lawrence L. Tong  
LAWRENCE L. TONG  
Assistant U.S. Attorney  
LAWRENCE A. GOYA  
Special Assistant U.S. Attorney  
Attorneys for Plaintiff  
United States of America

PROPOSED INSTRUCTION NO. 1

You have heard testimony from Harry Shibuya, Arthur Inada, Bert Shiosaki, Herbert Hirota, Roy Shimotsukasa, and Roy Yoshida. Each of these witnesses has pleaded guilty to a crime arising out of the same events for which the defendants are on trial. These guilty pleas are not evidence against any of the defendants, and you may consider the pleas only in determining the witnesses' believability.

For these reasons, in evaluating the testimony of Harry Shibuya, Arthur Inada, Bert Shiosaki, Herbert Hirota, Roy Shimotsukasa and Roy Yoshida, you should consider the extent to which or whether each such person's testimony may have been influenced by his guilty plea. In addition, you should examine such witnesses' testimony with greater caution than that of other witnesses.

Ninth Circuit Manual of Model Criminal Jury Instructions no. 4.9  
(2006 ed.)(modified)

GIVEN \_\_\_\_\_  
REFUSED \_\_\_\_\_  
MODIFIED \_\_\_\_\_

CLEAN COPY OF SUPPLEMENTAL JURY INSTRUCTION

INSTRUCTION NO. \_\_\_\_

You have heard testimony from Harry Shibuya, Arthur Inada, Bert Shiosaki, Herbert Hirota, Roy Shimotsukasa, and Roy Yoshida. Each of these witnesses has pleaded guilty to a crime arising out of the same events for which the defendants are on trial. These guilty pleas are not evidence against any of the defendants, and you may consider the pleas only in determining the witnesses' believability.

For these reasons, in evaluating the testimony of Harry Shibuya, Arthur Inada, Bert Shiosaki, Herbert Hirota, Roy Shimotsukasa and Roy Yoshida, you should consider the extent to which or whether each such person's testimony may have been influenced by his guilty plea. In addition, you should examine such witnesses' testimony with greater caution than that of other witnesses.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the dates and by the methods of service noted below, the true and correct copy of the foregoing was served on the following at their last known address:

Served electronically through CM/ECF:

CLIFFORD B. HUNT, ESQ. September 7, 2006  
[notguilty007@msn.com](mailto:notguilty007@msn.com)

Attorney for Defendant  
WESLEY UEMURA

DANA S. ISHIBASHI September 7, 2006  
[ishibashi@aol.com](mailto:ishibashi@aol.com)

Attorney for Defendant  
RICHARD OKADA

HOWARD K.K. LUKE, ESQ. September 7, 2006  
[howardkkluke@hawaii.rr.com](mailto:howardkkluke@hawaii.rr.com)

Attorney for Defendant  
MICHAEL FURUKAWA

Served by first class mail:

KEITH S. SHIGETOMI, ESQ. September 7, 2006  
711 Kapiolani Blvd., Suite 1440  
Honolulu, HI 96813

Attorney for Defendant  
DENNIS HIROKAWA

DATED: Honolulu, Hawaii, September 7, 2006.

/s/ Janice Tsumoto